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FM AMEMBASSY KUALA LUMPUR

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INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

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C O N F I D E N T I A L KUALA LUMPUR 000846

SIPDIS

FOR EAP/MTS

E.O. 12958: DECL: 09/19/2018

TAGS: PGOV KDEM KJUS MY

SUBJECT: UPDATES ON ANWAR SODOMY CASE, RAJA PETRA DETENTION

REF: A. KUALA LUMPUR 806

1B. KUALA LUMPUR 798

Classified By: Political Counselor Mark D. Clark for reasons 1.4 b and d.

SUMMARY AND COMMENT

11. (SBU) The sodomy case against opposition leader Anwar Ibrahim continued on September 24 with the prosecution requesting that the trial be transferred from the trial-level Sessions Court to the appellate-level High Court. After listening to arguments, the judge adjourned the hearing for two weeks while she considers the issues. A day earlier, Home Minister Syed Hamid Albar announced that prominent and controversial blogger Raja Petra Kamaruddin, who was detained under the Internal Security Act (ISA) on September 12 (reftel A), has been transferred to a federal prison and is now beginning a two-year detention period.

12. (C) Comment: Most observers recognize that a High Court venue will benefit the prosecution in Anwar's case as the High Court's ranks have many more appointees linked to the ruling UMNO party. The current Sessions Court Judge SM Komathy Suppiah continues to strike us as very independent-minded. End Summary and Comment.

TWO WEEKS TO PREPARE, TWO WEEKS TO DECIDE

13. (SBU) After giving both sides two weeks to prepare for the next phase of the Anwar Ibrahim sodomy case (reftel B), Sessions Court Judge SM Komathy Suppiah listened to the prosecution's motion that this case be transferred to the High Court. The prosecution presented an order signed by Attorney General (AG) Abdul Gani Patail instructing the transfer and cited several previous cases to bolster their position that the Sessions Court could not deny the transfer order. The defense team argued that this particular order is invalid because Prime Minister Abdullah Badawi had previously instructed Gani Patail to have no direct involvement with this case, because Gani Patail has been accused of tampering with the evidence used in Anwar's trial 10 years ago. Judge Komathy decided to adjourn the hearing for two weeks so that she could consider the arguments, and said she would render her decision on the transfer order on October 7.

RAJA PETRA RECEIVES TWO-YEAR DETENTION

14. (SBU) On September 23, Home Minister Syed Hamid Albar acknowledged signing an order under the ISA detaining Raja Petra for a two-year period, allowing police to transfer him to the Kamunting ISA detention center in Perak state. Sayid Hamid justified the detention based on the police's conclusion that a series of blogs that Raja Petra posted on

his website were inflammatory towards Islam, "causing uneasiness among Muslims...."

¶ 15. (SBU) The Malaysian Bar Association wasted no time criticizing the decision to detain Raja Petra for a full two-year period. Malaysian Bar President Ambiga Sreenevasan stated, "The ISA is being used against an individual where other avenues that afford him a chance to defend himself exist. It confirms the impression that the ISA is being used for purposes other than national security. It is being used to stifle dissent." The government dominated daily The New Straits Times defended the use of ISA in the case of Raja Petra, commenting that "his fate should be sobering to all such prospective rabble-rousers...." An opposition member of Parliament, speaking with Poloff, predicted that there would be public furor over Raja Petra's two-year detention order for a few days, but "by next week, this will be a dead. He will be forgotten".

RAPSON